

U.S. Appln. No. 09/672,154
Reply to Office Action dated June 15, 2006

PATENT
450100-02733
RECEIVED
CENTRAL FAX CENTER

REMARKS/ARGUMENTS

AUG 10 2006

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-4 and 6-14 are pending in this application. Claims 1 and 9, which are independent, are hereby amended. Claim 5 has been canceled without prejudice or disclaimer of subject matter. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicant is entitled.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-4 and 6-14 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,945,987 to Dunn in view of U.S. Publication No. 2001/0056478 to Wheeler, et al.

Claim 1 recites, *inter alia*:

“...wherein the program retrieval identification code is a function of content and a time slot...” (emphasis added)

U.S. Appln. No. 09/672,154
Reply to Office Action dated June 15, 2006

PATENT
450100-02733

As understood by Applicant, U.S. Patent No. 5,945,987 to Dunn (hereinafter merely "Dunn") relates to interactive entertainment with a video-on-demand application which enable viewers to select criteria for grouping various video content programs into manageable sets for convenient review.

As understood by Applicant, U.S. Publication No. 2001/0056478 to Wheeler, et al. (hereinafter merely "Wheeler") relates to an integrated system for coordinating a web site with a web browser using a storage medium local to the user.

Applicant submits that nothing has been found in Dunn or Wheeler, taken alone or in combination, that would teach or suggest the above-identified feature of claim 1. Specifically, Applicant submits that Dunn and Wheeler fail to teach or suggest that the program retrieval identification code is a function of content and a time slot, as recited in claim 1.

Therefore Independent claim 1 is patentable.

For reason similar to those above, claim 9 is also patentable.

III. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

U.S. Appln. No. 09/672,154
Reply to Office Action dated June 15, 2006

PATENT
450100-02733

CONCLUSION


In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

By 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800